

Weekly Summaries of Dicamba Registrant Meetings

8/19 EPA-Bayer Technical Issues Meeting on Dicamba: On August 19, 2020, OPP staff led by EFED held a MS Teams meeting with representatives from Bayer regarding various technical issues relating to OPP's 2020 assessment of dicamba. Prior to the meeting, EPA provided Bayer with an agenda and a list of questions for discussion. Topics discussed included EPA's analysis of data on near-field effects, run-off, and wide-area effects. Bayer provided limited comment on these topics but promised to have more details to share during their next conversation with EPA. Both parties committed to further conversation on technical issues next week. Following the meeting, EPA provided a discussion document to Bayer providing additional clarify on EPA's concerns relating to runoff in order to facilitate future continued discussion of this topic.

8/20 EPA-Bayer Label Mitigation Meeting on Dicamba: On August 20, 2020, OPP staff led by RD held a MS Teams meeting with Bayer to discuss Bayer's July 27th white paper submission, which contains mitigation proposals relating to OPP's 2020 assessment of dicamba and its review of a new application from Bayer for a dicamba product to be used over-the-top (OTT) of tolerant cotton and soybeans. Bayer's application is to reinstate the now-vacated formulation known as XtendiMax, but with a new added regulatory requirement that applicators tank mix the product with the pH buffering additive VaporGrip X, which is claimed to reduce product volatility. Bayer's white paper contains other mitigation suggestions intended to reduce off-site damage, such as an increased downwind buffer and a growth stage-based planting cutoff restriction for soybeans. During the meeting, EPA indicated that it was still quantitatively assessing Bayer's buffer and buffering agent proposals, and is waiting on the arrival of additional humidome data. EPA requested clarification on why Bayer believes their growth stage cutoff would minimize risks from a dicamba OTT registration. EPA also requested that when next reengaging with the Agency, Bayer comment on its thoughts on split labelling as a strategy for provide greater clarity for growers. Prior to the meeting, EPA provided Bayer with a list of discussion questions seeking clarification on each of the mitigation options proposed by Bayer in their white paper. Bayer stated they will need to confer internally before providing substantive replies to many of the questions. Both parties committed to further conversation on these topics next week.

OPP-RD proposed having combined meetings with all 3 registrants starting the week of 8/24/2020. Syngenta and BASF have agreed. We are waiting for a response from Bayer.

8/26 EPA-BASF-Syngenta Technical Issues Meeting on Dicamba: On August 26, 2020, OPP staff led by EFED held a MS Teams meeting with representatives from BASF and Syngenta regarding various technical issues relating to OPP's 2020 assessment of dicamba. BASF is proposing to reinstate the now-vacated formulation known as Engenia, which would allow over-the-top (OTT) uses of tolerant cotton and soybeans. Syngenta is proposing a renewal of their dicamba product, Tavium, for which the registration is currently set to expire in December 2020. Prior to the meeting, EPA provided BASF and Syngenta with a list of questions for discussion. As was the case with the Bayer technical issues meeting on 8/19/20, topics discussed included EPA's analysis of data on near-field effects, run-off, and wide-area effects. All parties committed to further conversation on technical issues next week and remain open to holding joint meetings with multiple registrant companies.

8/27 EPA-BASF-Syngenta Label Mitigation Meeting on Dicamba: On August 27, 2020, OPP staff led by RD held a MS Teams meeting with BASF and Syngenta to discuss mitigation proposals relating to OPP's 2020 assessment of dicamba. Conversation centered on BASF's August 24, 2020 letter to the Agency outlining BASF's mitigation proposal for the registration of a new Engenia product. BASF confirmed that it agreed to discussing their mitigation proposal in the presence of Syngenta, with the

exception of data concerning a propriety pH buffering agent. The four proposals discussed were to (1) require a downwind buffer distance of 220 feet [an increase from the 110 ft buffer on the vacated 2018 labelling], (2) require the use of a pH buffering agent in all tank mixes, (3) require a calendar-day cutoff date as a replacement for plant growth stage-based restrictions included on the vacated 2018 Engenia label, and (4) organize the label for greater clarity. For a calendar cutoff date, BASF suggests using the single cutoff date of June 30th in all states where their product would be registered. The group discussed how a calendar date cutoff could be effective in allowing dicamba OTT use while eliminating incidents from late-season applications. BASF also noted that compared to growth-stage restrictions, a calendar-date cutoff would help reduce label complexity, and be more easily enforceable for state authorities. Syngenta indicated that it supported BASF's mitigation proposals. EPA asked registrants about their thoughts on split labelling as a strategy to provide greater clarity for growers. BASF said they were open to the idea but would need to discuss internally. BASF also agreed to have legal counsel reach out to EPA/OGC (Michele Knorr/Scott Garrison) to discuss legal considerations for splitting the label. All parties agreed to further conversation next week.

8/27 EPA-Bayer Label Mitigation Meeting on Dicamba: On August 27, 2020, OPP staff led by RD held a MS Teams meeting with Bayer to further discuss Bayer's mitigation proposal for dicamba OTT uses being considered in 2020. The conversation was divided into two main categories: (1) further explanation by Bayer of the mitigation proposed in their July 27th white paper, and (2) Bayer's introduction of a new mitigation proposal to request the registration only of dicamba over-the-top uses on cotton and soybean. The vacated 2018 label for XtendiMax also contained non-OTT uses. By proposing a label that contains only OTT uses, Bayer estimates that a 2020 label for XtendiMax could be as much as 75% shorter, which could increase label clarity for growers compared to the vacated 2018 label. During discussion of Bayer's July 27th mitigation proposals, EPA indicated that it was still evaluating data submissions relating to Bayer's proposal to require tank mixing with a pH buffering product intended to reduce volatility. EPA also reiterated concerns about the efficacy of Bayer's proposal to use a growth-stage cutoff for soybeans to reduce off-site movement of dicamba. Finally, Bayer confirmed its continued interest in meeting with EPA, but said they cannot agree, at this time, to participate in joint meetings with other dicamba registrants.

Later in the day following the meeting, Bayer submitted an additional study (hooded sprayer data) and five analytical reports for previously submitted humidone studies.

9/2 EPA-BASF Technical Issues Meeting on Dicamba: On September 2, 2020, OPP staff led by EFED held a MS Teams meeting with representatives from BASF regarding various technical issues relating to OPP's 2020 assessment of dicamba. This week's conversation featured a presentation by BASF on their company's humidome data for BAS 183 35 H, the proprietary buffering agent that BASF is proposing as one option for a required tank mix additive as part of the company's 2020 proposal to reinstate the now-vacated dicamba OTT use product: Engenia. Limited time was left for team discussion, but the group agreed to a list of follow-up items BASF will provide to OPP in order to address various technical questions EFED had on BASF's presentation. BASF remains enthusiastic about holding future conversations to address any additional questions from OPP.

9/2 EPA-Bayer Technical Issues Meeting on Dicamba: On September 2, 2020, OPP staff led by EFED held a MS Teams meeting with representatives from Bayer regarding various technical issues relating to OPP's 2020 assessment of dicamba. This week's conversation featured a response from Bayer on EPA's questions last week regarding how Bayer calculated their proposed 250 ft. downwind buffer, an update from Bayer on their 60-day results from a still-ongoing Tier II study on the effects of dicamba on various tree species, and a response from Bayer to questions posed by EPA on 8/19/20 regarding runoff. During

discussion of the woody species data, Bayer stated that the effects of dicamba on the tested tree species is less than that on soybeans, and asked EPA whether they wished for Bayer to terminate the study now or continue for an additional 30 days as was done in for the Tier I study. EPA indicated that they would need to discuss internally, but reminded Bayer that EPA's concern was not whether dicamba effects on tree species were less than those on soybeans, which are known to be extremely sensitive to dicamba exposure, but the magnitude of impact on the tree species themselves.

Additionally, this week Bayer also submitted additional data to EPA responding to a request from last week to provide pH data associated with Bayer's dicamba humidome testing.

9/3 EPA-BASF-Syngenta Label Mitigation Meeting on Dicamba: On September 3, 2020, OPP staff led by RD held a MS Teams meeting with BASF to discuss mitigation proposals relating to OPP's 2020 assessment of dicamba. This week, various mitigation measures not included in Bayer's own mitigation proposal were discussed, such as temperature restrictions and tank mixing restrictions. BASF has already proposed a calendar cutoff date of June 30th for dicamba OTT uses, increasing the previous 110-foot downwind buffer distance to 220 feet, mandating tank mixing with a pH buffering agent, and reorganizing the label for clearer readability. BASF confirmed its preference for a single national calendar cutoff date rather than multiple, region-based cutoff dates, but is open to hearing proposals from EPA on this topic if more specifics are provided. BASF does not support prohibiting tank mixtures of multiple pesticides (glyphosate, in particular, is known to lower the pH of dicamba tank mixes, increasing the possibility of volatilization), as they view this as unenforceable. Finally, BASF indicated that they would consider an EPA suggestion to propose a registration only for dicamba OTT uses, rather than both pre-emergent and OTT uses. BASF thanked EPA for the conversation and believes that our objectives are aligned. BASF is willing to meet with EPA with the other registrants.

Note: Following this meeting, on 9/4/2020 BASF contacted EPA and confirmed that BASF agrees to have a separate registration for OTT. They intend to request another registration for preemergence use, including on DT seeds. The other registration would also have a different trade name.

9/3 EPA-Bayer Label Mitigation Meeting on Dicamba: On September 3, 2020, OPP staff led by RD held a MS Teams meeting with Bayer to further discuss Bayer's mitigation proposal for dicamba OTT uses being considered in 2020. This week, various mitigation measures not included in Bayer's own mitigation proposal were discussed, such as temperature and calendar cutoff restrictions. **Ex. 4 CBI**

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